FILED

FEB 2 1 2003

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OIPE
AUG 3 0 2004
PATENT & TRADEMARK

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

Avigen, Inc.,

    Plaintiff,

v.
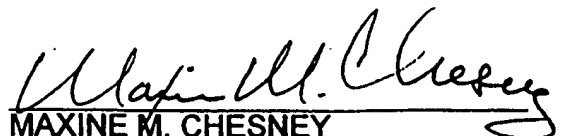
Research Corporation Technologies, Inc.,

    Defendant.

No. C-02-0880 MMC (MED)

ORDER OF DISMISSAL

The parties hereto, by their counsel, having advised the Court that they have agreed to a settlement of this cause,

IT IS HEREBY ORDERED that this cause be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for said settlement has not been delivered over, the foregoing Order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: FEB 2 1 2003

MAXINE M. CHESNEY
United States District Judge

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

Avigen, Inc.,

        Plaintiff,

v.

Research Corporation Technologies,

        Defendant.

_____/

Case Number: C-02-0880 MMC

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 20, 2003, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.
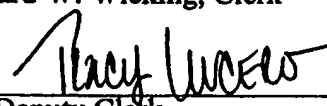
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Dated: February 20, 2003

Richard W. Wieking, Clerk

By: _____
    Deputy Clerk